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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/509,108	05/31/2000	JENS MAIER	10191/1316	1708

26646 7590 04/07/2004

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NEW YORK, NY 10004

EXAMINER

CHU, KIM KWOK

ART UNIT	PAPER NUMBER
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2653

11

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/509,108

Applicant(s)

MAIER ET AL.

Examiner

Kim-Kwok CHU

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Remarks filed on 1/26/04 (paper 10).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 5-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5, 6, 8 and 9 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. PCT/DE98/02741.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Remarks***

1. Applicant's Remarks filed on January 26, 2004 (paper 10) have been fully considered but they are not persuasive.

(a) Applicant disagrees that the prior art of Kondo teaches a one time unit for the starting address. In the Remarks, on page 1, last 4 and 3 lines, Applicant states that the prior art of Kondo "stores addresses that are in the form of two time units, that is, in the form of minutes and seconds".

Accordingly, Kondo uses the ATIP for addressing a file to be recorded. The ATIP has a standard format where one frame is represented by a one time unit "1/75 second". Although the ATIP format includes multiple units such as "minute", "second" and "frame". However, for calculating an access time between two addresses, maintaining disc synchronization and recording speed etc., the one time unit "1/75 second" is used as a reference unit to represent one frame.

**Claim Rejections - 35 USC § 102**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless -  
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.*

3. Claims 5, 6, 8 and 9 are rejected under 35 U.S.C. § 102(e) as being anticipated by Kondo et al. (U.S. Patent 5,982,727).

Kondo teaches a method for playing a recording medium in a player 1 having all of the steps as recited in claims 5, 6, 8 and 9. For example, Kondo teaches the following:

(a) as in claim 5, the recording medium 7 having a run-in area and at least one address area stored in the run-in area (Figs. 3 and 7; lead-in area is the claimed run-in area; address area in the lead-in area is recorded as the absolute time; column 1, lines 23-25);

(b) as in claim 5, the at least one address area containing at least one address of a beginning of a title stored on the recording medium in the form of a combination of multiple time units (Fig. 14; column 1, lines 25 and 26; a time unit is expressed in form of a second);

(c) as in claim 5, the player 1 having a read device 43 and a memory (Figs. 1 and 3; controller 2 and CPU 45 each contains an internal memory as a buffer);

(d) as in claim 5, the at least one address area is read out, converting the at least one address of the beginning of the title to a start time in the form of exactly one time unit (Fig. 3; column 4, lines 63-65; each frame is 1/75 second);

(e) as in claim 5, the start time substantially corresponding to a playing time of the recording medium from a beginning of a program area to a beginning of an addressed title (Fig. 3; column 7, lines 65-67; column 8, lines 1-22);

(f) as in claim 5, storing the start time in the memory (Fig. 3; TOC table containing each program's absolute time is read and stored for determining the program's position/time period);

(g) as in claim 5, calculating a track jump time (access time), for positioning the read device at the beginning of the title, directly from at least one corresponding start time stored in the memory (Figs. 3 and 14; recording a program requires the calculation of the read head's access time/position);

(h) as in claim 6, the recording medium 7 includes an optical storage disc (Fig. 3);

(i) as in claim 8, selecting the time unit depending on an accuracy needed for calculating the track jump (Fig. 14; a time

unit such as minute/second is required during a program search);  
and

(k) as in claim 9, the time unit is one second (Fig. 14;  
TOC time can be expressed in second).

***Allowable Subject Matter***

4. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is an Examiner's statement of reasons for the indication of allowable subject matter:

As in claim 7, the prior art of record fails to teach or fairly suggest the following features:

(a) if a pause is detected at the beginning of the title, determining a pause duration and adding the pause duration to the start time.

The features indicated above, in combination with the other elements of the claims, are not anticipated by, nor made obvious over, the prior art of record.

**Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Horie et al. (5,862,123) is pertinent because Horie teaches ATIP information which describe the absolute time every 1/75 second.

7. *THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action.*

*In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action*

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington, D.C.  
20231 Or faxed to:

(703) 872-9306 (for formal communications intended for  
entry. Or:

(703) 746-6909, (for informal or draft communications,  
please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park  
II, 2021 Crystal Drive, Arlington. VA., Sixth Floor  
(Receptionist).

Any inquiry of a general nature or relating to the status of  
this application should be directed to the Group receptionist  
whose telephone number is (703) 305-4700.

Any inquiry concerning this communication or earlier  
communications from the examiner should be directed to Kim CHU  
whose telephone number is (703) 305-3032 between 9:30 am to 6:00  
pm, Monday to Friday.

*Rec 3/29/04*

Kim-Kwok CHU  
Examiner AU 2653  
March 29, 2004

(703) 305-3032

*William Korzuch*  
WILLIAM KORZUCH  
SUPERVISORY PATENT EXAMINER  
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